

1000 South Main Street, Suite 216 Salinas, California 93901 ph 831 755-4448 fx 831 755-8477

**Elliott Robinson, Director** 

July 29, 2008

Ramon S. Lopez, Chief Civil Rights Bureau Human Resources and Community Services Division 744 P Street Sacramento, CA 95814

Dear Mr. Lopez:

AUG 0 1 2008

Please see attached the response by Monterey County's Department of Social and Employment Services (MCDSES) to the Civil Rights Compliance Review conducted by your office this past April 1<sup>st</sup> through 4<sup>th</sup>. To place our response in context, I need to let you know that I take strong exception to the tone of the review ("substantially out of compliance") and the expectations. As I am sure you are aware, the State of California has not adequately funded the programs included in your organization's review since 2000-01 funding normal inflationary cost increases was suspended. The estimated shortfall experienced by Monterey County for operating State human services programs in FY 2007-08 alone was over \$8.6 million (I am attaching a recent budget letter from CSAC and a county by county chart of the human services finding deficit.)

With regard to the findings in Section VI – Documentation of Applicant/Recipient Case Records, Monterey County Department of Social and Employment Services strongly recommends CDSS update Division 21-116 to better reflect the level of discretion provided by the State Legislature under Welfare and Institutions Code 10553 and 10554 and by the Federal Government under 28 CFR 35.160(a) and (b)(2). These citations are attached.

In Monterey's case, it is important to note that in some programs more than 70% of the customers served by MCDSES are limited English proficient. The workload to comply with the expectations of the Civil Rights Bureau when multiplied by the sheer volume of impacted interactions is substantial. At the same time, there are no indications from either the Civil Rights Compliance Review or from the Department's experience with Fair Hearings that any real problems exist with translation services provided. Adding an additional piece of documentation with limited value to every interaction with 70% of the Department's customers is wasteful in the current environment of limited financing. Frankly there is more important work to be done. I am committed to real translation needs, timely delivery of services and accuracy; as a result, I cannot in good conscience redirect the limited staff time available to keep track of one more thing of value only to

reviewers from your office – the work of an eligibility worker and social worker is already complex enough and their efforts need to emphasize service to the community.

With regard to other areas of the review, the Department will continue to work with owners of our buildings and the County's Public Works Department to make the mostly minor adjustments recommended; however, the accumulated cost of the changes will pose a challenge in the context of insufficient State appropriations for local costs.

Thanks for your attention to the matters raised in this letter.

Elliott Robinson, Director

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Department of Social and Employment Services

#### REFERENCES:

#### **DIVISION 21-116**

#### 21-116 DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS 21-116

- .1 Each agency shall maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with the requirements of Division 21.
- .2 Each agency shall ensure that case record documentation identifies the applicant's/recipient's ethnic origin and primary language in accordance with Section 21-201.21. In those cases where the applicant/recipient is non-English speaking, the agency shall:
  - .21 Document the individual's acceptance or refusal of forms or other written material offered in the individual's primary language (HANDBOOK: see Section 21-115.2)].
  - .22 Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor (under 18 years of age) is used as an interpreter, the CWD shall so document the circumstances requiring temporary use of minors in the case record.
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- .3 Upon obtaining information that identifies an applicant/recipient as disabled, each CWD shall ensure that the case record is so documented. The CWD shall document, in writing, an applicant's/recipient's request for auxiliary aids and services (see Section 21-115.4).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; Title II of the Americans With Disabilities Act of 1990, P.L. 101-336; and 28 CFR 35.160(a) and (b)(2).

#### Welfare and Instituions 10553 & 10554

#### 10553. The director shall:

- (a) Be responsible for the management of the department.
- (b) Administer the laws pertaining to the administration of public social services, except health care services and medical assistance.
- (c) Observe and report to the Governor on the conditions of public social services, except health care services and medical assistance, throughout the state.
- (d) Perform the disability determination function pursuant to Titles II and XVI of the federal Social Security Act.

(e) Formulate, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the department and which are consistent with law and necessary for the administration of public social services, except health care services and medical assistance, and the disability determination function pursuant to Titles II and XVI of the federal Social Security Act.

All regulations relating to public social services, except health care services and medical assistance, or relating to the disability determination function pursuant to Titles II and XVI of the federal Social Security Act, the licensing of community care facilities, or any other function vested in the department, heretofore adopted by the State Department of Health, the State Department of Benefit Payments, or any predecessor department, and in effect immediately preceding the operative date of amendments to this section enacted by the Legislature during the 1977-78 Regular Session, shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the director.

- (f) Perform such other duties as may be prescribed by law, and such other administrative and executive duties as have by other provisions of law been previously imposed
- 10554. The department shall adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department, and those regulations, orders, and standards shall be adopted, amended, or repealed by the department only in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code, provided that the regulations need not be printed in the California Code of Regulations or California Administrative Register if they are included in the publications of the department.

In adopting regulations the department shall strive for clarity of language that may be readily understood by those administering public social services or subject to the regulations.

The rules of the department need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain the forms, reports or records.

#### 28 CFR 35.160(a) and (b)(2).

Sec. 35.160 General.

- (a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- (b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- (2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.







Urban Counties
Caucus



Regional Council of Rural Counties



County Welfare
Directors
Association

May 19, 2008

TO:

The Honorable Denise Moreno Ducheny, Chair, Senate Budget and Fiscal

**Review Committee** 

Members, Senate Budget and Fiscal Review Committee

The Honorable John Laird, Chair, Assembly Budget Committee

Members, Assembly Budget Committee

FROM:

Kelly Brooks, CSAC Legislative Representative

Casev Kaneko, Executive Director, UCC

Paul A. Smith, Director of Legislative Affairs, RCRC

Frank Mecca, Executive Director, CWDA

Re:

**Human Services Program Funding Reductions – OPPOSE** 

The California State Association of Counties (CSAC), the Urban Counties Caucus (UCC), the Regional Council of Rural Counties, and the County Welfare Directors Association (CWDA) are writing to express strong opposition to the continued underfunding of the county administration of human services programs in the state budget.

Counties are facing an over \$1 billion (\$633 million General Fund) shortfall in funding for the administration of human services programs – Child Welfare Services, Adoptions, Food Stamps administration, CalWORKs, In-Home Supportive Services, and Foster Care eligibility.

Human services programs start this budget with more significant funding problems than other sectors of the budget, due to seven years of frozen administration funding. As part of the May Revision, the state Department of Social Services estimates that counties are underfunded by \$1.063 billion (\$633 million General Fund) for the administration of human services programs – which is \$183 million General Fund above their 2007 estimate.

This problem is huge and growing. This \$1 billion underfunding <u>excludes</u> the deep cuts proposed in the January budget and the May Revision. The January budget will add Medi-Cal eligibility to the deficit, for an additional \$152.5 million problem. Additionally, the Administration's estimate does not calculate the seven years of lost administrative costs for the Adult Protective Services program. The Administration does not acknowledge the human services funding deficit in their approach to state administration of these programs.

This situation is untenable. Counties must be clear: the state's expectations about human services program delivery is completely out of touch with the funding provided for this year and the last seven years. Counties have the financial and legal liability for failure to meet these outdated expectations. In fact, many counties are choosing to backfill a portion of the lost

state funds. Since 2001, counties have backfilled these programs by over \$595 million – \$205 million last year alone. As counties face their own budget deficits, our ability to continue to backfill is diminishing.

The size of the problem is now so large that many counties are not fulfilling all state and federal expectations about service delivery. Furthermore, mandate relief for some of these program requirements will not come anywhere close to generating enough savings to align expectations and what counties can actually deliver.

For example, the Administration is proposing to reduce funds for county administration of Medi-Cal eligibility. Counties are required to report on our performance in meeting outcomes detailed in state statute. These performance standards, which include financial penalties, are not proposed to be altered in light of the cut. Previous budgets directly link county administration funding to performance, scoring \$400 million in savings from full funding of county Medi-Cal administration.

Additionally, in the Food Stamps program, counties have a 90 percent share of federal penalties. The program is so underfunded that many counties are backfilling the costs. Similarly, counties are backfilling In-Home Supportive Services (IHSS) administration. Counties know that it is taking longer to process applications and for these needy Californians to access food and home care.

Human services programs have lived within their means year after year, yet funding for these programs have been cut for seven years. It makes no difference whether the state is in good budget times or bad budget times — county administration of human services programs have borne the brunt of state budget cuts. These programs are facing massive budget reductions at a time when they are starved for funding — all while California's low-income residents increasingly need services.

County revenues are also in decline. Sales tax and vehicle license fees (Realignment) are flat. Property taxes have entered a decline that is likely to continue for a few years or until the housing market rebounds.

Enough is enough. Counties are seeking trailer bill language to align expectations and funding. We ask that the Legislature indemnify counties from penalties and corrective actions for all of these underfunded programs. The chronic underfunding of human services programs puts counties in the untenable position of backfilling the gap with their own limited resources or reducing services that the state and our constituents expect us to deliver. Needy constituents are not going away. We will all suffer the consequences if counties can no longer deliver these services.

Please do not hesitate to contact any one of us if we can provide you with additional information. Thank you.

cc: Diane Cummins, Chief Fiscal Advisor, Office of Senate President pro Tempore Don Perata

Seren Taylor, Director, Senate Republican Fiscal
Craig Cornett, Budget Director, Office of Assembly Speaker Karen Bass
Peter Schaafsma, Director, Assembly Republican Fiscal
Eileen Cubanski, Consultant, Senate Budget and Fiscal Review Committee
Diane Van Maren, Consultant, Senate Budget and Fiscal Review Committee

Chantele Denny, Consultant, Senate Republican Fiscal Anissa Nachman, Consultant, Senate Republican Fiscal Nicole Vasquez, Consultant, Assembly Budget Committee Dan Rabovsky, Consultant, Assembly Budget Committee Julianne Huerta, Consultant, Assembly Republican Fiscal Lisa Mangat, Consultant, Assembly Republican Fiscal

### County-by-County Human Services Funding Deficit for FY 2007-08

The 2007-08 human services funding deficit estimates were based on county reported costs to carry out mandated programs including Foster Care, Child Welfare Services, CalWORKs, Adoptions, and In Home Supportive Services. These costs were then compared to the funding counties received in the 2007-08 State Budget.

COUNTY	2007-08 Human Services Funding Deficit
Alameda	-34,602,403
Alpine	-318,365
Amador	-611,015
Butte	-7,395,985
Calaveras	-1,020,657
Colusa	-696,476
Contra Costa	-23,021,637
Del Norte	-1,325,218
El Dorado	-3,088,895
Fresno	-25,979,426
Glenn	-1,339,887
Humboldt	-4,584,192
Imperial	-5,715,193
Inyo	-608,471
Kern	-23,635,349
Kings	-3,233,772
Lake	-1,976,870
Lassen	-884,554
Los Angeles	-321,151,333
Madera	-3,379,009
Marin	-3,397,533
Mariposa	-713,812
Mendocino	-5,275,009
Merced	-8,079,084
Modoc	-475,846
Mono	-402,022
Monterey	-8,672,540
Napa	-1,649,407
Nevada	-1,477,791
Orange	-43,679,091

	2007-08
COUNTY	Human Services
	Funding Deficit
Placer	-5,142,844
Plumas	-760,395
Riverside	-53,888,648
Sacramento	-55,663,330
San Benito	-1,056,886
San Bernardino	-47,258,410
San Diego	-56,355,374
San Francisco	-24,222,710
San Joaquin	-14,621,210
San Luis Obispo	-6,307,487
San Mateo	-9,992,354
Santa Barbara	-7,600,692
Santa Clara	-37,332,432
Santa Cruz	-5,710,026
Shasta	-4,513,075
Sierra	-307,300
Siskiyou	-1,286,790
Solano	-8,054,373
Sonoma	-9,127,951
Stanislaus	-12,760,794
Sutter	-2,261,864
Tehama	-2,228,706
Trinity	-587,984
Tulare	-10,848,598
Tuolumne	-1,389,088
Ventura	-11,439,282
Yolo	-4,196,786
Yuba	-3,690,729
TOTAL	- \$936,996,955

Methodology: Estimates were developed by adding the total statewide defici ts between individual county costs reported on the 2007 CODB surveys and 2007-08 allocations. The statewide amounts were then multiplied by each county's percent-to-total of the 2007-08 allocation for each program. Premises excluded by the Administration's estimate in the 2007 May Revise have been included as has the Adoptions program. Amounts are estimates and may be higher or lower than individual county estimates.



1000 South Main Street, Suite 216 Salinas, California 93901 ph 831 796-1534 fx 831 755-8404

Human Resources Susan E. Reid, Branch Director

AUG 0 1 2008

# CIVIL RIGHTS COMPLIANCE REVEW Conducted April 2008

## RESPONSE FROM MONTEREY COUNTY TO CDSS REGARDING REQUIRED CORRECTIVE ACTIONS

**July 2008** 

Prepared by Ron Mortenson

Following is the plan for Monterey County Department of Social and Employment Services (MCDSES) to bring required corrective actions into compliance with California Department of Social Services (DSS) regulations. Each item will be addressed in the order as presented to this department in the civil rights compliance review completed during April 2008, and the report received by our department in June 2008.

#### **Dissemination of Information**

Publication 13 is currently stocked and made available in each of our main reception areas. Employees are instructed to distribute and explain Publication 13 to each client at intake and re-certification. We have ample supplies available in English, Spanish and Vietnamese, as these languages are most often utilized by our clients. We have instructed the clerical staff to restock these supplies on a daily basis. Additionally we have binders that contain Publication 13 for each of the languages currently available from the State, including large print versions. We requested and received additional copies of Pub 13 in Braille, and also audio versions in English, Spanish, Vietnamese, Russian, and Chinese-Mandarin, and these have been distributed to our offices in Seaside and La Guardia, as well as all other main public offices.

#### Facility Accessibility For Individuals With Disabilities

The facilities in King City are not owned by the County. We expect corrective actions by the building owners within 90 days. Each issue is listed below:

Facility Location: 116 Broadway, King City

#### Parking:

No unauthorized parking signage – The County will notify the building owner.

Disable parking signage too low – will notify building owner.

Disable stalls not wide enough – will notify building owner of the 9' width requirement.

Words "no parking" not painted on pavement – will notify building owner of corrective action request.

Access aisles do not connect to an accessible path – There is currently enough space to add in front of vehicles. The parking lot is very narrow and is shared with a restaurant. There is no reasonable way to make this area of the parking lot larger in order to meet this requirement. The only solution would be to relocate the disabled parking spaces to the back part of the parking lot, but this seems unreasonable as the parking spaces would be a very long distance from the entrance. We see no other alternative for a reasonable accommodation other than to leave the spaces as they are and have the persons with disabilities only have to travel behind their own parked cars.

#### Main entrance:

Front door pressure too heavy – change pressure to 5lbs – will notify building owner to make adjustment. This has been an ongoing issue. The door pressure is difficult to maintain, so our reasonable accommodation has been to have our reception clerk be available to assist people by opening the door for them.

#### Restrooms:

Install designated accessible signage on walls for both restrooms – will contact building owner to install appropriate signage.

Re-wrap pipes under sink in both restrooms – will submit request to building owner to re-wrap pipes.

Women's restroom door to heavy – change pressure to 5lbs – will request owner to make adjustment. The door pressure is difficult to maintain, so our reasonable accommodation has been to have our reception clerk be available to assist people by opening the door for them.

Men's restroom disabled stall missing level or knob on door – will request owner to replace missing knob.

Women's restroom towel dispenser too high and install lid on soap dispenser – will request the building to lower the receptacles to 40" and replace the soap dispenser.

#### Facility Location: 118 Broadway, King City

#### Main entrance:

The front door is always locked and an escort is required to enter. The slope of the ramp cannot be adjusted so disabled persons are personally escorted to keep them safe.

#### Restroom:

Unisex restroom missing disabled signage on the wall – will notify building owner to place signage on the wall and the door at the correct height.

Restroom needs pipes to be re-wrapped under sink – will notify building owner to rewrap pipes.

Unisex restroom mirror too high – lower to 40" – will have a mirror installed that meets 40" height. Note that a current mirror at the entrance is at the appropriate height.

Facility Location: 200 Broadway, King City

Parking:

No unauthorized parking signage at entrance – will notify building owner of corrective action request.

The only disabled parking stall is not designated as van accessible – will notify building owner.

Accessible freestanding sign post is too low – will notify building owner that sign needs to be raised to 80".

#### Main entrance:

Main entrance door pressure too heavy – change to 5lbs – will notify building owner. The door pressure is difficult to maintain, so our reasonable accommodation has been to have our reception clerk be available to assist people by opening the door for them.

#### Lobby:

Lobby counter too high – set between 28" -34" – have furniture company that installed furniture to come out and make adjustment.

#### Restroom:

Women's restroom door pressure too heavy – change to 5lbs – will notify building owner. The door pressure is difficult to maintain, so our reasonable accommodation has been to have our reception clerk be available to assist people by opening the door for them.

Men's restroom pipes under sink need to be re-wrapped – will notify building owner.

Men's restroom—the County will remove disable signage from outside stall with urinal inside by July 31.

#### Facility Location: Quadrangle, 1000 South Main Street, Salinas

The County will coordinate with the building owners to work with the parking lot owners to make changes. There is disagreement between the building owners and parking lot owners as to who actually "owns" the right of way and unfortunately the County has not been successful in gaining agreement for a completion date for all compliance issues. We expect that most of these will be completed within 90 days.

#### Parking:

No unauthorized parking signage – parking lot privately owned by an association. We will submit a corrective request through building Property Management Company.

Freestanding disabled signage to low – will notify Property Management Company.

Disabled stalls not long enough – will notify Property Management Company.

Disabled stalls access aisle not sufficient for loading and unloading—will notify Property Management Company.

Van accessible stall has access aisle on driver's side instead of passenger– will notify Property Management Company.

No parking not painted on pavement—will notify Property Management Company.

#### Main entrance:

The County has requested the building owners to adjust the doors and maintain the appropriate opening force pressure. This particular issue has been an ongoing problem as the doors seem to get out of compliance shortly after they have been adjusted. The county has a doorbell installed for those who can't open the front door and, the security guards are available to assist individuals with gaining access to the front lobby.

Elevator call button too high – building owner plans to upgrade the elevator in CY2009.

Landing jamb signage too low – hopefully will be addressed with upgrade/modernization of elevator.

Water fountain – informed Property Management Company of corrective action. Water fountain has been properly adjusted.

Women's and Men's restroom on 1<sup>st</sup> and 3<sup>rd</sup> floor disabled wall signage missing – Property Management Company has installed the correct signs.

Women's restroom door 3<sup>rd</sup> floor too heavy –Property Management Company will adjust.

Women's and Men's restroom on 1<sup>st</sup> and 3<sup>rd</sup> floor pipes under sink need re-wrapping – Property Management Company has rewrapped pipes.

Women's restroom 1<sup>st</sup> floor door does not have a handle/lever and is unable to shut/secure –Property Management Company will install new handle.

#### Facility Location: 1281 Broadway, Seaside

The County facilities department is responsible for maintenance of this property. We will submit work orders and expect issues to be completed within 90 days.

#### Parking:

No unauthorized parking signage – will submit work order to County facilities department.

Insufficient number of disables parking spaces – will submit work order to County facilities department to add 1 stall.

Freestanding signage too low – will submit work order to County facilities to raise signage to 80".

One disabled space missing posted signage – will submit work order to County facilities to install signage.

Existing van accessible space wrong size – will submit work order to County facilities to decrease width to 9" and increase access aisle on passenger side to 8" and remove existing bumper.

"No Parking" not painted on pavement – will submit work order to County facilities to paint 'no parking'.

#### Main entrance:

Water fountain spout too high – will submit work order to County facilities to lower water fountain.

#### Restrooms:

Women's and Men's restroom disabled accessible sign needed on walls – will submit work order to County facilities to install signs.

Women's restroom door pressure too heavy – will submit work order for County facilities to adjust to 5lbs.

Women's restroom pipes under sink need re-wrap – will submit work order for County facilities to wrap pipes.

#### Facility Location: 713 LaGuardia, Salinas

The outside of this facility is owned by a private party. The County will inform the owner of the compliance issues and request all issues to be addressed within 90 days. The County has jurisdiction of the interior of the facility and so will address those issues.

#### Parking:

All 5 designated accessible parking spaces are too short – will inform owner.

ISA painted on ground in 2 accessible spaces in front of door is backwards – will inform owner.

Need no parking painted on pavement in all access aisles - will inform owner.

#### Main entrance:

Front door pressure is too heavy at 15 lbs. pressure—will inform owner to adjust doors. This has been an ongoing issue. Our reasonable accommodation is to have the reception clerk assist those who need help by opening the door.

#### Restrooms:

Unisex restroom door needs permanent wall and door signs installed – The County purchased signs and installed them.

Unisex restroom pipes need to be re-wrapped –pipes have been re-wrapped.

Toilet seat protectors too high – will lower to 40" within 30 days.

# <u>Provision For Services To Applicants And Recipients Who Are Non-English Speaking Or Who Have Disabilities</u>

No required corrective actions were identified.

#### **Documentation of Applicant/Recipient Case Records**

Monterey County Department of Social and Employment Services strongly recommends CDSS update Division 21-116 to better reflect the level of discretion provided by the State Legislature under Welfare and Institutions Code 10553 and 10554 and by the Federal Government under 28 CFR 35.160(a) and (b)(2). These citations are attached.

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Fair Hearings that any real problems exist with translation services provided. Adding an additional piece of documentation with limited value to every interaction with 70% of the Department's customers is wasteful in the current environment of limited financing. Frankly there is more important work to be done. Monterey County is committed to real translation needs, timely delivery of services and accuracy; as a result, cannot in good conscience redirect the limited staff time available to keep track of one more thing of value only to reviewers from your office – the work of an eligibility worker and social worker is already complex enough and their efforts need to emphasize service to the community.

Staff has been trained that if a client provides their own interpreter, then they need to be informed of the potential problems of ineffective communication. Additionally if a minor is used as an interpreter under extenuating circumstances, staff has been instructed to complete appropriate documentation. These issues were addressed after our last compliance visit in 2006 and have also emphasized during all of our induction training for new hires since that time. Additionally we have placed greater emphasis on this issue during our mandatory bi-annual Civil Rights training in 2007 and will continue to do so in 2009.

#### **Staff Development and Training**

Monterey County is currently planning our biannual Division 21 Civil Rights and Cultural Awareness training for all staff. This training will be completed during the second quarter of CY2009. We will place special emphasis on the areas mentioned in the corrective action section. Specifically we are making sure employees understand DSS regulations regarding translation and appropriate case documentation, as well as increasing employees' knowledge and awareness of the predominant cultural groups in our area, with special emphasis on the Oaxacan culture. Additionally we will hand out workbooks to each employee to reinforce this information. The workbook is a comprehensive resource guide containing Division 21 regulations, State and Federal laws and regulations, a copy of our discrimination complaint process, a copy of our employee complaint process, resources for assisting persons with disabilities and translation resources. This workbook and training process will also continue to be given to all new employees during their new hire orientation to ensure continuation of information dissemination.

#### Conclusion

Monterey County DSES wishes to thank California DSS for pointing out several areas where improvement was needed in order to be in compliance with regulations. The county will strive to stay in compliance, as it is our desire to provide the best possible experience for all who come to us seeking help.

#### REFERENCES:

#### **DIVISION 21-116**

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#### 28 CFR 35.160(a) and (b)(2).

Sec. 35.160 General.

- (a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- (b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- (2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.